

## REMARKS

Reconsideration of this application as amended is respectfully requested. In this amendment, claims 1, 2, 6, 8-10, 13, 16, 18, 21, 24-26 have been amended. No claims have been canceled. No claims have been added. No new matter has been added.

### Claim Rejections – 35 U.S.C. § 101

Claims 24-26 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. The Office Action asserts that “[i]n the specification, page 11, para 0033, lines 2-4, Applicant stated that the machine readable medium is a software. Thus, the claimed machine readable medium is actually a software which is not a patentable subject matter.” (Office Action, 11/16/09, page 7). It is respectfully submitted that the Office Action mis-interpreted the language stated in the specification. On page 11 of the specification as filed, para 0033, lines 2-4, it is stated that “one or more embodiments of the invention may be implemented in software (stored or provided by a machine readable medium)...” Therefore, there is no support in the specification to find that applicant ever made any statement that the machine readable medium is software; rather, the medium stores the software.

Applicant respectfully submits that claims 24-26 have been amended to recite the feature of “a machine readable storage medium,” and that one of ordinary skill in the art would not interpret a storage medium to include signals. (see In re Nuijten, footnote 6, 500 F.3d 1346, 1357: “Of course, such a signal could be stored for later use, but the result of such storage would be a ‘storage medium’ containing the signal. Such a storage medium would

likely be covered by allowed Claim 15 of Nuijten's application.”). Support for this amendment is found, for example, in paragraph [0033] of the Specification as originally filed.

Accordingly, applicant respectfully requests that the rejection of claims 24-26 under 35 U.S.C. § 101 be withdrawn.

#### 35 U.S.C. § 112 Rejections

Claims 2-17 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant submits that claims 2, 6, 8-10, 13, and 16 have been amended to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The amendments to the claims are supported by the specification as filed, for example, in paragraphs [0020] and [0034]. Claims 3-5, 7, 11, 12, 14, 15, and 17 have not been amended because these claims are rejected based on the reason that they directly or indirectly depend from claim 2.

Accordingly, applicant respectfully requests reconsideration and withdrawal of the rejections to the claims 2-17 under 35 U.S.C. § 112, second paragraph.

#### Claim Rejections – 35 U.S.C. § 102

Claims 1, 18, 20-21, 23-24 and 26 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,751,322 by Carlbom et al., (hereinafter “Carlbom”).

Applicant respectfully submits that claims 1, 18, 21, and 24 are patentable over Carlbom because Carlbom fails to disclose all of the features of the claims.

Claim 1, as amended, recites:

1. An artificial-reverberation generating device comprising a real-time convolution engine and an impulse-response synthesizer coupled to said real-time convolution engine for supplying impulse response information to the convolution engine, **wherein the impulse response information is configured to be customizable by a user.**

(Emphasis added).

Carlбом is directed to a system and method for acoustic modeling which partitions an input 3D spatial model into convex cells. (Carlбом, Abstract). Although Carlбом discloses a convolution engine that convolves the original auto signal of the source being simulated with the multi-channel impulse responses to produce spatialized audio signals (Carlбом, col. 11, lines 43-61), nowhere does Carlбом disclose the multi-channel impulse responses can be customized by a user. In contrast, the amended claims recite “the impulse response information is configured to be customizable by a user” or otherwise indicate that this information is customizable. The amendments to the claims are supported by the specification as filed, for example, at paragraph [0018].

Claims 20, 23, and 26 directly or indirectly depend from the independent claims 18, 21, and 24 and incorporate all of the features therein. At least for the reasons stated with respect to claims 18, 21, and 24, applicant submits that claims 20, 23, and 26 are also patentable over Carlбом.

Accordingly, applicant respectfully requests that the rejections of claims 1, 18, 20-21, 23-24 and 26 under 35 U.S.C. § 102(e) by Carlбом be withdrawn.

Claims 1-2, 18, 21 and 24 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,989,158 by Sloan, (hereinafter “Sloan”). Applicant

respectfully submits that claims 1-2, 18, 21, and 24 are patentable over Sloan because Sloan fails to disclose all of the features of the claims.

Sloan is directed to a randomization unit for use in a vibrational control system for generating a series of randomized drive terms. (Sloan, Abstract). Sloan also fails to disclose customizable impulse response information.

Claim 2 directly depends from the independent claim 1, and incorporates all of the features therein. At least for the reasons stated with respect to claim 1, applicant submits that claim 2 is also patentable over Sloan.

Accordingly, applicant respectfully requests that the rejections of claims 1-2, 18, 21, and 24 under 35 U.S.C. § 102(b) by Sloan be withdrawn.

Claims 1, 18, 20-21 and 23 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Applicant's admitted prior art (Figure 1). Applicant submits that the amended claims 1, 18, and 21 are patentable over the admitted prior art because the impulse-response files in the prior art "contain samples corresponding to fixed reverberative environments, i.e. rooms of various sizes, large halls, etc." (Specification as filed, paragraph [0018], emphasis added). In contrast, the amended claims 1, 18, 21, and 24 relate to impulse response information that is customizable by a user.

Claims 20 and 23 directly or indirectly depend from the independent claims 18 and 21, and incorporate all of the features therein. At least for the reasons stated with respect to claims 18 and 21, applicant submits that claims 20 and 23 are also patentable over the prior art shown in Figure 1.

Accordingly, applicant respectfully requests that the rejections of claims 1, 18, 20-21, and 23 under 35 U.S.C. § 102(a) by the prior art shown in Figure 1 be withdrawn.

#### Claim Rejections – 35 U.S.C. § 103

Claims 19, 22, and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sloan in view of U.S. Patent No. 7,130,799 by Amano et al. (hereinafter, “Amano”).

Claims 19, 22, and 25 directly or indirectly depend from the independent claims 18, 21, and 24 and incorporate all of the features therein. As discussed above, Sloan fails to disclose all of the features of the claims. Amano teaches a speech synthesizing method. (Amano, Abstract). Amano fails to cure the deficiencies of Sloan.

Accordingly, applicant respectfully submits that claims 19, 22, and 25 are patentable over the combination of Sloan and Amano, and requests that the rejections of claims 19, 22, and 25 under U.S.C. § 103(a) be withdrawn.

#### Allowed/Allowable Subject Matter

Applicant notes with appreciation the allowance of claims 3-17 if rewritten in independent form, including all the limitations of the base claim and any intervening claims. As discussed above, the indefiniteness raised under 35 U.S.C. § 112, second paragraph for claims 6, 8-10, 13, and 16 has been corrected.

### CONCLUSION


Applicant respectfully submits that in view of the amendments and arguments set forth herein, the applicable objections and rejections have been overcome. Applicant reserves all rights under the doctrine of equivalents.

Pursuant to 37 C.F.R. 1.136(a)(3), applicant hereby requests and authorizes the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. 1.16 and 1.17, to Deposit Account No. 02-2666.

Respectfully submitted,

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